

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action mailed on July 26, 2010, and the references cited therewith.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-30, 40, 42, and 59 are now pending in this application.

#### **Examiner Interview Summary**

Applicant and Examiner Severson conducted a telephone interview on September 8, 2010, to discuss the remarks in light of the references cited in the present Final Office Action. A translation of the Kitagawa reference was discussed. Applicant thanks Examiner Severson for his time and consideration.

#### **§ 103 Rejection of the Claims**

Claims 40 and 42 were rejected under 35 USC § 103(a) as being unpatentable over Kitagawa, et al. (JP 64-32857) in view of Rhodes (U.S. Patent No. 5,122,154) and Lunn (U.S. Patent No. 5,476,506). Applicant respectfully traverses the rejection as follows.

Page 2 of the Final Office Action dated July 26, 2010, cites figure 6 of the Kitagawa reference as disclosing leg portions of a bifurcated trunk liner and figure 1 at B as disclosing the leg portions abutting one another and being secured to one another along their entire lengths. However, from Applicant's review of the Kitagawa reference, figure 1 at B appears to teach only a small portion of the legs secured to one another and only at point B. Furthermore, figure 6 of the Kitagawa reference appears to teach that the legs are separated from one another for the majority of their length and are not secured to one another. From Applicant's review of the Kitagawa reference, the Kitagawa reference does not teach, among other things, "portions of said leg portions not abutting said trunk component abut

one another and are secured to one another along their entire length,” as recited in Applicant’s independent claim 40.

The Rhodes reference appears to teach an intraluminal graft comprising a sleeve having plural stents thereon for placement in a blood vessel, duct, or lumen to hold it open. (Abstract). The Lunn reference appears to describe a graft comprising a longitudinally extending thin walled cylinder having first and second open ends. (Abstract).

From Applicant’s review of The Kitagawa, Rhodes, and Lunn references, the references, alone or in combination do not teach or suggest, among other things, an out-time apparatus that includes:

A multi-component bifurcating expandable supportive endoluminal graft comprising:

a plurality of expandable supportive endoluminal components adapted to be individually deployed at a selected location within a body vessel, each said supportive endoluminal graft component being radially compressible for endoluminal insertion and radially expandable for deployment at a desired location within a body vessel;

one of said expandable supportive endoluminal components is a trunk component, said trunk component generally surrounding a trunk liner positioned within said trunk component, said trunk liner having a generally cylindrical body portion and two leg portions, each said leg portion defining a leg opening, wherein the generally cylindrical body portion of said liner and portions of said leg portions abut said trunk component and are secured to said trunk component, and portions of said leg portions not abutting said trunk component abut one another and are secured to one another along their entire length;

at least one other of said expandable supportive endoluminal components is a generally cylindrical supportive leg component;

said generally cylindrical supportive leg component and one of said leg portions of said liner, when said leg component and trunk component have been fully deployed within the body vessel, are not connected to and are telescopically slidable with respect to each other; and

said generally cylindrical supportive leg component has a first end portion that, when deployed, is positioned within said leg opening of the trunk liner, and a second end portion external to said one of said leg portions and proximal to the body vessel.

as provided in independent claim 40.

As such, the Kitagawa, Rhodes, and Lunn references, alone or in combination, do not teach or suggest each and every element in Applicant's independent claim 40. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection with respect to claim 40, as well as with respect to claim 42, which depends from independent claim 40.

*Allowable Subject Matter*

Claims 1-30 are allowed in this reissue application.

Claim 59 was objected to as being dependent upon a rejected base claim, but can not be rewritten in independent form because this reissue application would then no longer be correcting an identified error and would not be allowed under 35 USC 251.

Applicant gratefully acknowledges the finding that claim 59 recites allowable subject matter.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at 612-236-0132 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being electronically filed with the United States Patent and Trademark Office on this 13<sup>th</sup> day of September, 2010.

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